SERVED: October 1, 2002

NTSB Order No. EA-4999

UNITED STATES OF AMERICA NATIONAL TRANSPORTATION SAFETY BOARD WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24) on the 1st day of October, 2002

Petition of

JAMES STEVEN DAVIS

for review of the denial by the Administrator of the Federal Aviation Administration of the issuance of an airman medical certificate.

ceretricate.

Docket SM-4492

ORDER DISMISSING APPEAL

On June 13, 2002, petitioner filed a timely notice of appeal from the written decision Administrative Law Judge William E. Fowler, Jr., issued in this case on June 5, 2002, granting the Administrator's motion to dismiss. However, petitioner did not subsequently file a timely appeal brief, and his appeal is therefore subject to dismissal under section 821.48(a) of the Board's Rules of Practice. See 49 CFR Part 821.

§ 821.48 Briefs and oral argument.

 $^{^{1}\}mbox{Petitioner's appeal brief was due (after the grant of a 30-day extension) on August <math display="inline">5^{\rm th}$.

²Section 821.48(a) provides as follows:

⁽a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party,

ACCORDINGLY, IT IS ORDERED THAT:

Petitioner's appeal is dismissed.³

Ronald S. Battocchi General Counsel

(..continued)

in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.

³The law judge granted without prejudice the Administrator's motion to dismiss petitioner's petition (for review of a denial of medical certification by the Federal Aviation Administration) for lack of jurisdiction.